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Minutes

Board of Elevator Regulations

One Ashburton Place, Room 611

October 20, 2015, 1:00PM

Board Members Present:

Joseph O'Malley, Designated Chairman

David Gaudet, Member

David Morgan, Member

Harold McGonagle, Member

Tom Riley, Member

John O'Donoghue, Member

Guests Present:

John Ryan (Self)

Andy Shanahan (Howe Engineers)

Dennis Driscoll (Atlantic Elevator)

Paul Warkentin (Davis Square Architects)

Ethan J. Clough (DPS)

Board Members Absent:

Michael Nicoloro, Member

Cheri Davis, Member

1. The Board of Elevator Regulations ("Board") reviewed the Meeting Minutes from September 29, 2015. **A motion to accept these minutes was made by David Morgan, seconded by Harold McGonagle. 6-0 Vote.**

The Board reviewed the Meeting Minutes from October 6, 2015. **A motion to table these minutes was made by Tom Riley, seconded by David Morgan. 6-0 Vote.**

The Board discussed the following:

2. 11 Elizabeth Drive

524 CMR 32.09

Owner: Brooks Automation

Petitioner: Dennis Driscoll

This petition for variance was placed on hold at the September 1, 2015 Board meeting. The petitioner is seeking relief from an inspector's report dated March 18, 2015. The unit with State I.D. #56-V-215 was found in violation of 524 CMR 32.09. The petitioner determined that this unit does have a safety brake. The Board determined that this unit is in compliance with 524 CMR 32.09. The petitioner decided to withdraw his petition for variance. This unit will be retested on November 3, 2015. A motion was put forth by David Morgan to deny the variance. The motion was seconded by John O'Donoghue. David Morgan made a second motion to rescind his first motion upon the petitioners request to withdraw his petition. The DPS will issue a letter acknowledging the petitioner's withdrawal.

3. **126 Commonwealth Avenue – Boston, MA**
524 CMR 17.08(4)

Owner: 126 Commonwealth Condominium Trust

Petitioner: John Ryan

The petitioner came before the Board seeking relief from an inspector's report dated February 13, 2015. The unit #1-P-2584 was written up because the distance between the locked exterior door and the car door is 6-inches on one-half of the car door. The building owner complied with 524 CMR 17.04(a) by installing an elevator call button in the space between the two doors, but the DPS Inspector said that this was not a compliance solution. The DPS Inspector recommended that the building owner install a steel baffle to prevent a person from becoming trapped in the space. The Board determined that this unit would be in compliance with the installation of an elevator call button. A motion was put forth by Tom Riley to acknowledge the petitioner's withdrawal and to request that the DPS send a letter to the building owner acknowledging that this unit conforms to 524 CMR 17.08(4a). The motion was seconded by David Gaudet.

Motion by: Tom Riley

Seconded by: David Gaudet

Vote: 5-1; O'Donoghue opposed; Variance Withdrawn.

4. 1287 Commonwealth Avenue – Boston, MA

524 CMR A17.1-1996, Part XX 2000.1a(1)

Owner: CommGlen LLC

Petitioner: Paul Warkentin

This petition was placed on hold at the September 29, 2015 meeting until the petitioner could provide the Board with more information from Garaventa USA. The petition involves replacing an existing 3-door wheelchair lift (1-W-1072) at 1287 Commonwealth Avenue in Boston. The proposed wheelchair lift replacement has three stops and each stop requires a door on different sides. A motion was put forth by Tom Riley to place this petition on hold until the petitioner can return with a representative from Garaventa USA. The motion was seconded by John O'Donoghue.

Motion by: Tom Riley

Seconded by: John O'Donoghue

Vote: 6-0, Placed on Hold.

5. 355 Main Street – Oxford, MA

524 CMR 35 5.2.1.11(1)

Owner: First Congregational Church of Oxford

Petitioner: Paul Hasbrouck

The Board reviewed the additional submissions from the petitioner which included an email and drawings of the "swing door boxes". The petitioner is planning to remove the existing 2-inch deep boxes and replace them with boxes that are 3.5-inches deep. The boxes will reduce the space between the door panel and the elevator car gate to 1.5-inches. A motion was put forth by Harold McGonagle to grant the variance from 524 CMR 35 Part 5.2.1.11(1) for the extended baffle with the applicable condition of that the gap be no more than 1.5-inches.

Motion by: Harold McGonagle

Seconded by: David Morgan

Vote: 6-0, Granted.

6. Document Sharing Requirements for Continuing Education Providers

The Board discussed the dangers of fraudulent Continuing Education Certificates and what measures should be taken to prevent this issue in the future. The Board agreed to further discuss this issue with the DPS Legal Staff.

7. Code Review

The Board postponed their code review session until the next meeting.

Matters Not Reasonably Anticipated 48 Hours in Advance of Meeting

Exhibit List:

Exhibit 1: Meeting Minutes from September 29, 2015 & October 6, 2015

Exhibit 2: Petition for Variance: 11 Elizabeth Drive – Stoughton, MA

Exhibit 3: Petition for Variance: 126 Commonwealth Avenue – Boston, MA

Exhibit 4: Petition for Variance: 1287 Commonwealth Avenue – Boston, MA

Exhibit 5: Petition for Variance: 355 Main Street – Oxford, MA

Motion to Adjourn by Harold McGonagle, seconded by John O'Donoghue Hearing concluded at 3:00 p.m.

Prepared by: Ethan J. Clough